



## CFSA Fact Sheet



## Legal Mandates Guide Public Child Protection

Laws, regulations, and rulings govern virtually every aspect of child welfare. Directives come from Congress, the U.S. Department of Health and Human Services, the District Council, and federal courts. Here are brief descriptions of some of the major mandates.

### Federal Legislation

#### **Child Abuse Prevention & Treatment Act of 1974** (Public Law 93-247)

CAPTA came about through a Congressional finding that each year, close to a million American children were victims of abuse or neglect. The problems of child abuse and neglect required a comprehensive approach that integrated the work of social service, legal, health, mental health, education, and substance abuse agencies. Yet many children and their families failed to receive adequate protection or treatment. Among many goals, CAPTA sought to strengthen coordination among all levels of government and with private agencies; civic, religious, and professional organizations; and individual volunteers.

#### **Indian Child Welfare Act of 1978** (Public Law 95-608)

ICWA established tribal authority over adoption of Native American children. Before ICWA, Indian families were broken up when non-tribal agencies removed children from their homes. The law applies to unmarried Native American children under age 18. The child must be either a member of, or eligible for membership in, a federally recognized Indian tribe. ICWA requires that placement cases involving Indian children must be heard in tribal courts, if possible, and permits a child's tribe to be involved in state court proceedings. If a child is removed, either for foster care or adoption, the law requires that Indian children be placed with relatives, other tribal members, or other Indian families. If a state takes an Indian child into custody, it must give notice to the child's tribe, wherever the child may be in the U.S.

#### **Adoption Assistance & Child Welfare Act of 1980** (Public Law 96-272)

This legislation was created to diminish reliance on foster care; to help children remain with their families; and, when necessary, to ensure expeditious placement of children in adoptive homes. Mandates include federal aid for special-needs adoptions, family preservation programs to avoid removal of children from their birth homes, and reasonable efforts toward reunifying families when children are removed. It requires out-of-home placement of children, when necessary, in the least restrictive, most family-like setting that can meet their needs.

**Multiethnic  
Placement Act of  
1994**  
(Public Law 103-382)

The Multiethnic Placement Act (MEPA) and Interethnic Placement Act (IEPA) seek to remove barriers to permanence for children. These laws prohibit use of a child's or prospective parent's race, color, or national origin to delay or deny the child's placement. States are required to make diligent efforts to expand the number of racially and ethnically diverse foster and adoptive homes. Specific intentions are to:

**Interethnic Adoption  
Provisions Amending  
MEPA of 1996**  
(Public Law 104-188)

- Decrease the length of time children wait to be adopted.
- Facilitate recruitment and retention of foster and adoptive parents who can meet the needs of children awaiting adoption.
- Prohibit states and other entities involved in foster and adoptive placements and that receive federal child welfare funds from delaying or denying a child's foster care or adoptive placement on the basis of race.

**Adoption & Safe  
Families Act of 1997**  
(Public Law 105-89)

ASFA is a package of reforms modifying the Adoption Assistance & Child Welfare Act of 1980. It requires states to move children quickly through foster care and into permanent homes. ASFA:

- Clarifies the intent of the "reasonable efforts" clause of the earlier law by stressing that the child's health and safety shall be the paramount concern in determining what is reasonably required to try to keep a family intact. "Reasonable efforts" may be waived in circumstances such as severe physical abuse, abandonment, torture, chronic abuse, or sexual abuse.
- Reinforces the philosophy that foster care should be temporary. Child protection agencies must file a court motion to terminate parental rights if a child has been in temporary custody of the agency for at least 12 out of the previous 22 consecutive months. Termination of parental rights (TPR) is the first step toward making a child available for adoption.

**District of Columbia  
Family Court Act of  
2001**  
(Public Law 107-114)

This law turned the former D.C. Superior Court Family Division into a Family Court. It eliminated the practice of distributing child abuse and neglect cases to all 59 judges throughout the court. Instead, it created 10 judicial teams headed by magistrate judges serving three- to five-year rotations. The one-judge/one-child approach is designed to facilitate coordination of cases, prevent judges and agencies from working at cross-purposes, and provide consistency and convenience for families. Family Court deals with child abuse/neglect and adoption cases as well as divorce, child custody, child support, and juvenile offenders. This law required transfer of all active child abuse cases from Court Social Services to CFSA.

**Reciprocal State Legislation**

**Interstate Compact  
on the Placement of  
Children**

ICPC is statutory law in all 50 states, the District of Columbia, and the Virgin Islands. Developed in 1974, the compact ensures protection and services to children placed across state lines. The compact is a binding contract among member jurisdictions that establishes uniform legal and administrative procedures governing interstate placements. ICPC applies to out-of-state placement of children (1) with relatives; (2) in group homes, residential treatment centers, and other licensed facilities; and (3) in adoptive homes.

## **District of Columbia Legislation**

### **Child Abuse and Neglect Reporting**

Originally enacted in 1973, the District updated its child abuse and neglect reporting law in 2002, to broaden and clarify definitions of child abuse and neglect. The current law is in the D.C. Code, §4-1301.01-§4-1321.06. District law defines child abuse as physical abuse, sexual abuse, or emotional maltreatment. The intent of the law is to protect children. Reporting known or suspected abuse of one child can protect other children in the home and lead to help for troubled families. Under the law, certain professionals are mandated to report any child they suspect may be abused or neglected—or at risk of abuse or neglect. Among those required to report are: health and mental health professionals, social workers, teachers and school officials, police, and child care workers.

### **Modified Final Order in *LaShawn A. v. Williams***

Order of U.S. District Court in 1994, in the class action lawsuit against the District on behalf of all abused or neglected children known to the city. The MFO is reflected in a final Implementation Plan negotiated in 2002, among the District, Children's Rights representing the plaintiffs, and the court-appointed monitor from the private, non-profit Center for the Study of Social Policy. U.S. District Court accepted the final Implementation Plan in 2003. The 69-page plan establishes specific standards and time frames the District must meet to fulfill all terms and conditions of the MFO by Dec. 31, 2006.

### **Child and Family Services Agency Establishment Act of 2000** (D.C. Law 13-277)

This District Council legislation provided the legal foundation for bringing child welfare out of receivership and returning it to District control. It:

- Established CFSA as a separate, cabinet-level agency of District government.
- Gave CFSA authority to accept and investigate allegations of child abuse as well as neglect.
- Gave CFSA responsibility for licensing and monitoring group homes and independent living programs serving children and youth in the District.

### **Foster Children's Guardianship Act of 2000**

District Council mandated payment of subsidies to relatives or other caretakers who become legal guardians for children residing in their homes.

### **Child in Need of Protection Bill** (B15-0389)

Long-awaited District Council action to consolidate and update the city's child welfare statutes—specifically, the Prevention of Child Abuse and Neglect Act of 1977 and Foster Care Goals Act of 1983. The bill was introduced in July 2003, and is scheduled for action this fall.